

AMENDED IN SENATE AUGUST 26, 2002

AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2124

Introduced by Assembly Member Aanestad

February 19, 2002

An act to add ~~Section 1301 to~~ *and repeal Section 1301 of* the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2124, as amended, Aanestad. Skilled nursing facilities: continuous licensure.

Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities, by the State Department of Health Services.

Existing law authorizes a licensee or holder of a special permit, with the approval of the department, to surrender the license or special permit for suspension or cancellation, which may be reinstated by the department upon receipt of a verified application containing specific information. Existing law also authorizes a health facility to place up to 50% of its licensed bed capacity in voluntary suspension for a period not to exceed 3 years.

Existing regulations provide that hospitals licensed and in operation prior to the effective date of changes in the regulations shall not be required to institute corrective alterations or construction, except with

regard to health and safety hazards, to comply with those changed regulations.

This bill would, until January 1, 2005, authorize the department, upon the request of *an entity previously licensed as a skilled nursing facility*, to retroactively place in suspense the license of that ~~skilled nursing facility~~ *entity*, if ~~the facility~~ *that entity* meets certain requirements, for the purpose of finding ~~the facility~~ *that entity* to be continuously licensed *as a skilled nursing facility* and in compliance with the regulations described above.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1301 is added to the Health and Safety
2 Code, to read:

3 1301. (a) Upon the request of *an entity previously licensed as*
4 *a skilled nursing facility* that meets all the requirements specified
5 in subdivision (b), the department may, pursuant to subdivision (a)
6 of Section 1300, retroactively place in suspense the license of a
7 ~~skilled nursing facility~~ *the entity* for the purpose of finding ~~the~~
8 ~~facility~~ *that entity* to be continuously licensed *as a skilled nursing*
9 *facility* and finding ~~the facility~~ *that entity* to be in compliance with
10 Sections ~~70131 and 70801~~ *72215 and 72601* of Title 22 of the
11 California Code of Regulations.

12 (b) Subdivision (a) shall be applicable only if the *entity*
13 *previously licensed as a skilled nursing facility* meets all of the
14 following requirements:

15 (1) The *entity previously licensed as a skilled nursing facility*
16 is located within a city having a population of less than 65,000, and
17 a county having a population of less than 250,000.

18 (2) The *entity previously licensed as a skilled nursing facility*
19 voluntarily relinquished its license, or the *entity previously*
20 *licensed as a skilled nursing facility's* license expired, no more
21 than 48 months prior to the ~~facility's~~ *entity's* request for retroactive
22 suspension.

1 (3) The voluntary relinquishment of the license was not in
2 response to any official *existing and specific* action taken, or about
3 to be taken, against the *entity's* license by the department.

4 ~~(4) The skilled nursing facility's physical plant remains in~~
5 ~~substantially similar physical condition as when the facility was~~
6 ~~most recently licensed.~~

7 ~~(5)–~~

8 (4) The community in which the *entity previously licensed as*
9 *a* skilled nursing facility is located has a demonstrated need for the
10 *additional skilled nursing* facility.

11 (c) This section shall remain in effect only until January 1,
12 2005, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, 2005, deletes or extends that date.

14 SEC. 2. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety
16 within the meaning of Article IV of the Constitution and shall go
17 into immediate effect. The facts constituting the necessity are:

18 In order to ensure that critical skilled nursing facility services
19 are adequately available at the earliest possible time, it is necessary
20 that this act take effect immediately.

